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Letter dated 12 December 2007 from the Permanent Representative of Greece to the United Nations addressed to the President of the Security Council

It is my honour and pleasure to transmit to you the final report of the symposium on Enhancing the Implementation of the United Nations Security Council Sanctions (see annex), sponsored by the Permanent Mission of Greece to the United Nations and held at the United Nations on 30 April 2007. Co-sponsoring organizations included the Joan B. Kroc Institute for International Peace Studies and the Fourth Freedom Forum, in cooperation with the Watson Institute for International Studies at Brown University and the Stockholm Process on Targeted Sanctions at Uppsala University.

As you may note from the report, the symposium was a highly informative and successful event, and demonstrated the progress achieved and further steps towards refining the sanctions instrument.

I respectfully request that this report be circulated to all members of the Security Council and issued as a Security Council document.

(*Signed*) John **Mourikis**
Ambassador
Permanent Representative

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Annex to the letter dated 12 December 2007 from the Permanent Representative of Greece to the United Nations addressed to the President of the Security Council

Enhancing the Implementation of United Nations Security Council Sanctions

A Symposium
30 April 2007
United Nations, New York

Sponsored by the Permanent Mission of Greece to the United Nations

The Opening Session

The symposium convened in the auditorium of the United Nations Trusteeship Council with more than 150 participants in attendance, including representatives of dozens of member state missions, Secretariat staff, and nongovernmental experts. The symposium was chaired by Ambassador Vassilakis, Permanent Representative of Greece to the United Nations. The government of Greece sponsored the symposium and released the report, *Best Practices and Recommendations for Improving the Effectiveness of United Nations Sanctions*, based on the report of the Security Council Informal Working Group on General Issues of Sanctions (2006), which Greece chaired during its tenure on the Security Council.

Ambassador Vassilakis welcomed participants to the symposium and expressed his government's pride in associating with other governments that had contributed to the advancement of sanctions implementation, including Switzerland, Germany, and Sweden. Ambassador Vassilakis read a statement on behalf of the Foreign Minister of Greece, Mrs. Dora Bakoyannis, who affirmed Greece's continuing interest in improving the implementation of Security Council sanctions:

> Sanctions are a powerful expression of the collective voice and the collective will of the international community. As such, their symbolic impact is undeniable. Their practical impact has been demonstrated in several cases where sanctions have helped to prod conflicting parties towards compromise.
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> Sanctions have demonstrated that they have a sobering effect on targets. Even the threat of sanctions can have a preventive effect. But only if the threat is perceived as credible, and carries the clear message of a willingness to act as necessary. Sanctions, imposed in a manner that signals the unity of purpose and determination of the international community, can achieve results without the use of force.

Keynote Address

His Excellency United Nations Secretary-General Ban Ki-moon gave the keynote address to the symposium. The Secretary-General noted Greece's leadership in chairing the Côte d'Ivoire and Sudan sanctions committees and the Informal Working Group on General Issues of Sanctions, which the Security Council acknowledged in Resolution 1732 (2006). The Secretary-General traced the evolution of Security Council sanctions in recent years from comprehensive and "stand alone" measures to combined "smart" or "targeted" measures that are aimed at decision-making elites and that seek to prevent conflict while avoiding harm to the general population. He recounted recent innovations designed to strengthen compliance, including the establishment of expert panels to monitor implementation and mandates for peacekeeping forces to assist with monitoring arms embargoes. He addressed the challenge of due process for the listing and de-listing of individuals designated for targeted

sanctions, such as assets freezes and travel bans. Experience has shown that sanctions work best as a means of persuasion, not punishment:

> Sanctions should include carrots along with sticks—not only threats, but inducements to elicit compliance. The target must understand what actions it is expected to take. And partial or full compliance should be met by reciprocal steps from the Council, such as easing or lifting sanctions as appropriate.
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> There is ample evidence that sanctions have enormous potential to contribute to the maintenance of international peace and security when used not as an end in themselves, but in support of a holistic conflict resolution approach that includes prevention, mediation, peacekeeping, and peacebuilding. We should welcome the evolution of sanctions that has taken place: where once they were an often blunt and unfocused instrument, today they have become a more precise tool. Their increased use attests to their growing power. Our challenge is to ensure their credibility and legitimacy in the eyes of the world as unassailable. Only by our combined efforts can we hope to realize the full promise of sanctions in the interest of global peace and security.

Ambassadors' Panel

The opening panel featured former United Nations ambassadors and chairs of Security Council sanctions committees: Robert Fowler, former Permanent Representative of Canada to the United Nations and chair of the Angola sanctions committee, 1999-2000; Ellen Margrethe Løj, former Permanent Representative of Denmark to the United Nations and chair of the Liberia sanctions committee, 2005-06; Danilo Türk, former Permanent Representative of Slovenia to the United Nations and chair of the Libya sanctions committee, 1998-99; and Adamantios Th. Vassilakis, Permanent Representative of Greece to the United Nations and former chair of the Côte d'Ivoire sanctions committee, 2005-06.

United Nations sanctions contributed to the ending of the decades-long war between the government of Angola and the UNITA faction led by Jonas Savimbi. For the first six years in which they were in force, United Nations sanctions against UNITA were largely ignored by the international community. When the sanctions were expanded and strengthened, however—with the introduction of an expert monitoring panel and greater efforts to encourage implementation—the impact of the sanctions became significant. The diamond embargo, financial sanctions, and other measures imposed by the Security Council reduced the resources available to UNITA and made it more difficult for Savimbi to keep his equipment fueled and forces armed, which led directly to his defeat in the field by Angolan government units in February 2002. Lessons learned include the need for more rigorous review of the actual impacts of sanctions, the importance of monitoring groups in naming and shaming those who violate sanctions, the fact that more vigorous efforts can be applied to improve sanctions implementation even after years of neglect, and the need for more Secretariat staff to support sanctions implementation.

Sanctions in Liberia were only one of a wide range of tools employed by the Security Council to end a devastating civil war. The sanctions measures employed—arms embargo, commodity sanctions, and individual sanctions—were designed to induce the concerned parties to change their policies. The diamond and timber sanctions were designed to cut off the source of funds for the civil war and also to conserve the country's resources for the benefit of the Liberian people. The recent lifting of timber and diamond sanctions has been conditioned on the new government of Liberia taking measures to manage its resources for the benefit of the people and complying with international Kimberley Process standards to avoid trade in "blood diamonds." The travel ban made a contribution toward stabilizing Liberia, but the financial assets freezes were only partially successful, largely because neither the Transitional nor the present government has enforced the assets freezes in Liberia. The lack of clear procedures for de-listing named individuals has created difficulties. The lessons from this case are that sanctions can be effective if the Security Council through its expert groups can monitor

developments closely and adjust its strategy to provide incentives for compliance. In general, the Security Council must be prepared to follow through when it stipulates that measures will be taken if targeted regimes fail to comply. The Council should take further steps to improve listing and de-listing procedures and must adopt more effective means of communicating its decisions to member states.

Sanctions against Libya had a positive impact in achieving the Security Council objective of bringing to justice those suspected of bombing Pan Am and UTA airliners. The measures applied, including a flight ban and aviation sanctions, were selective and appropriate to the offense. Careful management of the sanctions allowed for emergency medical evacuation and Hajj pilgrimage flights. When sanctions compliance began to erode, intensive multilateral negotiations produced a compromise settlement in which the suspects were turned over to a Scottish court located in The Hague. Sanctions were subsequently suspended, which ended the coercive pressure against Libya. Lessons from this case are that sanctions can help to change state behavior when they are not utilized as punishment and retribution, that the prospect of lifting or suspending sanctions can be an important inducement for compliance, that suspension is a useful action that removes coercive pressure but allows for easier reimposition should conditions so require, and that indigenous factors and changing perceptions unique to each case must be weighed in determining how to achieve compliance.

The sanctions in Côte d'Ivoire were designed to support the peace process and apply pressure on the parties to conduct fair elections and avoid a return to armed conflict. Their role is not to punish the country or its people. The sanctions need to be coordinated more effectively with other United Nations policy instruments, including peacekeeping, the presence of impartial forces, and the role of the Secretary-General's Special Representative. Implementation of the sanctions has been inadequate. The reports of the expert group and UNOCI (the United Nations Operation in Côte d'Ivoire) provide evidence of numerous violations of the arms embargo. Although individual sanctions (travel bans and assets freezes) were threatened over a two-year period, the Security Council only managed to impose these measures against three individuals in February 2006. It is important for sanctions committee members to have unity of purpose in the designation of individuals. The situation in Côte d'Ivoire has improved following the Ouagadougou peace agreement, but this does not diminish the responsibility of the international community to support implementation of the agreement. The lifting of sanctions should be reserved as an inducement to the parties to implement their commitments.

Experts' Panel

The second plenary panel featured nongovernmental sanctions experts: Sue E. Eckert of the Watson Institute for International Studies at Brown University; George A. Lopez and David Cortright of the Kroc Institute for International Peace Studies at the University of Notre Dame and the Fourth Freedom Forum; and Peter Wallensteen of Uppsala University.

The panel reviewed the emergence of targeted sanctions since the 1990s, noting the contributions of the Interlaken, Bonn-Berlin, and Stockholm Processes in helping to refine sanctions as an instrument of continuing importance for the international community. As sanctions have evolved from blunt instruments to more selective and targeted measures against states, individuals, entities, and non-state actors, the objectives of sanctions have likewise evolved from changing the behavior of targets threatening international peace and security, to facilitating compliance with peace agreements or investigations, to preventing certain actions by targets through the denial of resources to support such actions.

The effectiveness of sanctions should be measured not by whether targets comply immediately and completely with Security Council demands but by the impacts that occur in almost every case and that generate pressure for policy change. If effectiveness is defined as the creation of impacts that lead to at least partial compliance, Security Council sanctions have achieved results in at least one-third to one-half of all cases, depending on how generously one defines partial compliance. In a number of cases—Yugoslavia (1991-95), Iraq, Libya, Haiti,

Angola, Liberia, Sudan (1996), Côte d'Ivoire, and perhaps North Korea—the imposition of Security Council sanctions created impacts that led to policy changes.

The signaling effect of sanctions is important, since no country wishes to be isolated and stigmatized, and this alone often encourages a country to seek dialogue and a political settlement. The prospect of sanctions lifting is a key inducement to political bargaining and can encourage targeted regimes to comply with international demands.

Security Council sanctions can be placed in two broad categories: those related to regional and national security issues and the prevention of armed conflict, and those that are connected to global issues of countering terrorism and preventing the proliferation of weapons of mass destruction. When sanctions are integrated with other United Nations policy tools, such as peacekeeping and Special Representatives of the Secretary-General, the prospects for success are enhanced. Experience has shown that sanctions can achieve policy reform in a targeted regime, but that they should not be used to remove a regime or change its fundamental nature.

In the past fifteen years, significant advancement of the targeted sanctions instrument has taken place, yet important challenges remain. Needed reforms include additional progress in listing and de-listing procedures to ensure that human rights and due process concerns are addressed, the creation of a searchable database of all expert panel reports and files, enhanced capacity-building efforts among member states and regional organizations, and increased public awareness and more effective use of the media to communicate the purposes and implementation requirements of Security Council sanctions.

Workshops

The first workshop on information management and media communications was chaired by John McNee, Permanent Representative of Canada to the United Nations, assisted by rapporteur Linda Gerber-Stellingwerf. The discussion addressed both internal information management challenges within the United Nations system and the need for more effective communication strategies with external audiences. The Government of Canada has proposed and created a plan for the development of an internal information management system related to the work of sanctions monitoring groups.

For UN actors, including missions in the field, it is important to develop a coherent message about the purposes of Security Council action. Because threats or coercive pressures do not communicate well, all elements of the United Nations mission must be in a position to provide clear, understandable information to the populations of target states regarding the purposes and goals of sanctions. The question of who speaks for the United Nations in a particular country or mission is not always clear. Communicating to external audiences the purposes and goals of United Nations actions, including sanctions, is an important part of creating the political will that is necessary for effective implementation. Where there are positive stories to tell—such as the transformation of Liberia and the use of sanctions to facilitate improved governance—these should be communicated more widely.

The second workshop on controlling arms and the proliferation of weapons of mass destruction was chaired by Ambassador Michael Freiherr von Ungern-Sternberg of Germany, aided by rapporteur Michael Brzoska. Arms embargoes have become more effective in recent years owing to three factors: improvements in implementation in certain member states, the integration of arms embargoes with other forms of targeted measures, and improved reporting by expert panels in exposing illegal arms transfers. Recommendations for further improvement were developed in three areas: design, implementation, and monitoring and enforcement. The wording of arms embargo resolutions should correlate with the language contained in national arms export control legislation. Resolutions should include clear instructions regarding dual use items by making reference to technical specifications that exist in multilateral regimes such as the Wassenaar Arrangement. Implementation can be improved through greater capacity-building efforts for states that lack the means to enforce arms embargoes. Enforcement efforts could be improved by the provision of additional resources for peacekeeping forces charged with monitoring arms embargoes.

The third workshop on building capacity at national, regional, and international levels was chaired by Ambassador Cecilia Ruthström-Ruin of Sweden, aided by rapporteur Mikael Eriksson. United Nations efforts to facilitate capacity building for counter-terrorism have wide support in the international system, and are directly relevant to enhancing capacity for sanctions implementation. While important differences exist between the mandate of the Counter-Terrorism Committee created by Resolution 1373 (2001) and the missions of sanctions committees, such as the Al-Qaida and Taliban Sanctions Committee mandated by Resolution 1267 (1999), many areas of overlap exist. Greater coordination in the provision of capacity-building assistance would benefit implementation of both counter-terrorism and sanctions mandates. An example of improved capacity-building coordination is the cooperation that has been established between Interpol and the 1267 sanctions committee. The link between capacity building and the United Nations development assistance agenda needs greater attention, to determine the degree of overlap in development and security agendas.

The fourth workshop on refining the sanctions instrument was chaired by Peter Maurer, Permanent Representative of Switzerland to the United Nations, assisted by rapporteur Erica Cosgrove. Progress has been achieved in recent years in the technical aspects of designing and developing sanctions. Outstanding issues remain, however, including the need for further improvement in listing and de-listing procedures, better definition of targeted measures (such as luxury goods), more effective monitoring procedures, and exploring the prospect of extending financial sanctions to credits. A lack of political consensus among nations often hampers sanctions implementation. This can be addressed by combining a carrot and sticks approach that includes inducements as well as coercive pressures, by integrating sanctions with other United Nations operations such as peacekeeping, and by building upon and encouraging regional approaches. There is need for more "policy oriented" discussions of sanctions to build greater political support for effective implementation.